## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

NO. 4:22-CV-146-FL

TIMOTHY BEST,	)	
Plaintiff,	)	
V.	)	ORDER
GREEN DOT CORPORATION,	)	
Defendant.	)	

This matter is before the court upon pro se plaintiff's motion for leave to proceed in forma pauperis (DE 1), and for review of plaintiff's complaint (DE 1-1) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Kimberly A. Swank entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's complaint be dismissed. (DE 6). Plaintiff timely objected. (DE 8). In this posture, the issues raised are ripe for ruling.

The district court reviews de novo those portions of a magistrate judge's M&R to which specific objections are filed. 28 U.S.C. § 636(b). The court does not perform a de novo review where a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Absent a specific and timely filed objection, the court reviews only for "clear error," and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). Upon careful review of the record, "the court may accept, reject, or

modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

Under 28 U.S.C. § 1915(e)(2), the court may dismiss an action that fails to state a claim on which relief may be granted. Plaintiff here sues defendant for violating the Right to Financial Privacy Act ("RFPA"), 12 U.S.C. §§ 3401–3423; Section 326 of the USA PATRIOT ACT, Pub. L. No. 107-56, § 326, 115 Stat. 272, 317 (2001)1; and 31 C.F.R. § 1020.220, a regulation promulgated pursuant to Section 326 of the USA PATRIOT ACT. The M&R recommends dismissal of plaintiff's claims under RFPA because plaintiff does not allege conduct prohibited, namely disclosure of his financial records to a government entity; and the M&R recommends dismissal under the USA PATRIOT ACT and 31 C.F.R. § 1020.220 because both lack a private right of action. Plaintiff in his objection does not address the bases on which magistrate judge recommends dismissal, instead alleging generally that the conduct alleged is covered by 31 C.F.R.

Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. Based on the foregoing, the court ADOPTS the recommendation in the M&R (DE 6). Plaintiff's complaint is DISMISSED for failure to state a claim upon which relief can be granted. The clerk of court is DIRECTED to close the case.

§ 1020.220 and defendant is not immune from suit. The court accordingly reviews the M&R only

SO ORDERED, this the 30th day of March, 2023.

for clear error. See Diamond, 416 F.3d at 315.

LOUISE W. FLANAGAN
United States District Judge